

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1326 of 2015

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Gopal Pandey, S/o Late Deo Kumar Pandey, Resident of P.N. Sinha Compound,
Mohalla - Bhikhna Pahari, P.O. Mahendru, District & Town – Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director Secondary Education, Bihar, Patna.
3. The Vice - Chancellor, Patna University, Patna.
4. The Registrar, Patna University, Patna.
5. Finance Officer, Patna University, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 18-09-2018

Heard learned counsel for the petitioner; State and Patna
University.

2. The petitioner has moved the Court for the following
reliefs:

*“That this application by petitioner, a citizen
of India, for issuance of writ of Mandamus or any
other appropriate writ/order/direction, commanding
respondents authorities to designate petitioner as
upper division clerk with effect from 20.12.2000, in
accordance with notification issued by the Finance
Department, Government of Bihar vide memo no.
8825 and 8826 dated 20.12.2000 and accordingly to
fix and pay the salary, ACP and accordingly to fix
seniority, and for grant of any other suitable
relief/reliefs for which petitioner is found entitled.”*

3. From the pleadings on record as well as the stand



taken by learned counsel for the petitioner himself, it transpires that the petitioner has already been granted the benefit of promotion to the post of Upper Division Clerk from 20.12.2000, as was claimed by him and thereafter to the post of Assistant by order dated 28.01.2017 though with effect from 16.07.2013.

4. However, learned counsel for the petitioner submitted that by office order contained in Memo No. 1657 dated 01.12.2017, the promotion to the post of Assistant is notional with effect from 16.07.2013 and actual payment is to be given from 18.10.2017. Thus, he prayed that he may be given liberty to move before the Authorities by filing representation against such decision.

5. Learned counsel for the respondents do not oppose.

6. Having regard to the aforesaid, the writ petition stands disposed off with liberty to the petitioner to file appropriate representation before the Registrar of the University with regard to grant of actual benefit of promotion to the post of Assistant with effect from an earlier date seeking parity with similarly situated persons.

7. If such a representation is filed within four weeks from today, the Registrar shall look into the matter and get it verified and pass a reasoned order within four weeks from the date of filing of the representation. The Court without commenting on the merits



would only observe that the University being State under Article 12 of the Constitution of India is obliged to maintain uniformity in dealing with its employees without making any discrimination.

(Ahsanuddin Amanullah, J.)

P. Kumar

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